

Appl. No. : 09/777,420
Filed : February 6, 2001

REMARKS

Reconsideration and allowance of this application, as amended, are respectfully requested. Prior to this Amendment, Claims 1-21 were pending in this application. Claims 1, 14, and 21 have been amended to further clarify Applicants' claimed invention. Claims 22-28 have been added. Thus, Claims 1-28 are now pending in this application.

The specific changes to the Specification and the amended claims are shown on a separate set of pages attached hereto and entitled VERSION WITH MARKINGS TO SHOW CHANGES MADE, which follows the signature page of this Amendment. On this set of pages, the insertions are underlined while the **[deletions are in brackets and bolded]**.

Applicants submit that this application, as amended, is in condition for allowance and such action is earnestly requested. Each of the Examiner's reasons for rejection is addressed below.

Objection to the Drawings

The Examiner objected to the drawings under 37 C.F.R. § 1.83(a), which requires that the drawings show every feature of the invention specified in the claims. With reference to Claim 21, the Examiner asserts that the "facial indicia element configured to be selectively attached and detached from said housing body" must be shown in the drawings or cancelled from the claim. The Examiner asked for a proposed drawing correction or corrected drawings.

Applicants submit that the drawings as filed show facial indicia elements. In the illustrated embodiments, the facial indicia element comprises an access panel. For example, the embodiment of Figures 1 and 2 includes an access panel 34, which is illustrated in the drawings. The embodiment of Figures 3 and 4 includes an access panel 54, which is illustrated in the drawings. The embodiment of Figure 5 includes an access panel 64, which is illustrated in the drawings. Moreover, the specification describes these elements as having "facial indicia." See, e.g., application as filed at p.4 line 24 to p.5, line 9. Accordingly, Applicants respectfully request that this objection be withdrawn.

The Examiner may be concerned as to whether there is sufficient antecedent basis in the Specification for the term "facial indicia element." To alleviate this concern, Applicants have

amended the paragraph beginning on page 4, line 6 of the Specification to refer to a facial indicia element. No new matter is entered by way of this amendment, since the Specification as filed clearly shows access panels, one form of a facial indicia element. Furthermore, similar terminology was employed in the application as filed. See, e.g., p. 4, line 24 to p.5, line 9.

Section 102 Rejections

The Examiner rejected Claims 1, 3-6, 8, 11, and 21 under 35 U.S.C. § 102(b) as being anticipated by U.S. Patent No. 5,988,207 to Kownacki et al. ("Kownacki"). Applicants have amended Claims 1 and 21 to overcome this rejection.

An anticipation rejection under § 102 requires that "every element of the claimed invention must be identically shown in a single reference." *In re Bond*, 910 F.2d 831 (Fed. Cir. 1990). "There must be no difference between the claimed invention and the reference disclosure, as viewed by a person of ordinary skill in the field of the invention." *Scripps Clinic & Research Foundation v. Genentech, Inc.*, 927 F.2d 1565 (Fed. Cir. 1991).

Kownacki discloses a decorative outdoor storage device 20 for a garden hose. The storage device 20 comprises a tub-shaped base 22 and a cover or top portion 40 pivotably secured to the base 22 by a horizontal axle 21. The cover portion 40 is decorated to look like a tortoise or other fanciful character. Col. 2, lines 11-15. A reel 50 with a vertical axis of rotation is located inside the storage device 20. The reel 50 is designed to be rotated by hand, with a handle 54. The cover portion 40 acts merely as a lid. In order to employ the reel 50, the storage device 20 is opened by rotating the cover portion 40 upward about the axle 21.

Amended Claim 1 recites, *inter alia*, that the housing has ***an aperture*** sized to closely surround spoolable linear material extending through the aperture, so that the linear material can be spooled onto and unspooled from the reel drum ***while the housing encloses the reel drum***. Advantageously, the housing encloses the reel during operation, so that the desired appearance of the reel housing is maintained at substantially all times, as opposed to only during periods of non-operation of the reel, while also protecting users or children from the reeling mechanism during use.

In contrast, as explained above, Kownacki discloses a storage device 20 having a cover portion 40 that must be hingedly opened in order to operate the reel. In other words, the cover

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portion 40 must be opened while hose is being spooled onto or unspooled from the reel 50. When the cover portion 40 is opened, the storage device 20 does not enclose the reel 50. Kownacki does not disclose a housing having an aperture sized to closely surround spoolable linear material extending through the aperture, so that the linear material can be spooled onto and unspooled from the reel drum while the housing encloses the reel drum. Accordingly, Applicants respectfully request that the rejection of Claim 1 be withdrawn.

Dependent Claims 3-6, 8, and 11 recite additional features of particular advantage and utility. Moreover, these claims are allowable *a fortiori* for the substantially the same reasons presented above. Claims 3-6, 8, and 11 depend from and therefore include all of the limitations of Claim 1, which distinguish patentably over Kownacki. Kownacki does not disclose all of the features of Claim 1, let alone the additional unique combinations of features recited by Claims 3-6, 8, and 11. Accordingly, Applicants respectfully request the rejections of these claims also be withdrawn.

Amended Claim 21 recites, *inter alia*, that the housing has *an aperture* sized to closely receive spoolable linear material extending through the aperture. As explained above, Kownacki does not disclose this feature. Accordingly, Applicants respectfully request that this rejection also be withdrawn.

Section 103 Rejections

The Examiner rejected Claims 2, 7, 9, 10, and 12-20 under 35 U.S.C. § 103(a) as being unpatentable over Kownacki.

In rejecting claims under § 103, the Examiner bears the initial burden of presenting a *prima facie* case of obviousness. *In re Oetiker*, 977 F.2d 1443, 1445 (Fed. Cir. 1992). To establish a *prima facie* case of obviousness, the following criteria must be met. There must be some suggestion or motivation found in the prior art, either in one or more references or in the knowledge generally available to one of ordinary skill in the art, to modify a prior art reference or to combine reference teachings to meet the limitations of the claim. Further, the prior art reference (or references when combined) must teach or suggest all the claim limitations. *In re Vaeck*, 947 F.2d 488 (Fed. Cir. 1991); M.P.E.P. § 706.02(j). "To support the conclusion that the claimed invention is directed to obvious subject matter, either the references must expressly or

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impliedly suggest the claimed invention or the examiner must present a convincing line of reasoning as to why the artisan would have found the claimed invention to have been obvious in light of the teachings of the references.” *Ex parte Clapp*, 227 U.S.P.Q. 972, 973 (Bd. Pat. App. & Inter. 1985); M.P.E.P. § 706.02(j).

Applicants submit that Claims 2, 7, 9, 10, 12, and 13 are allowable for at least the reasons presented above for the allowability of amended Claim 1. These claims depend from and therefore include all of the limitations of Claim 1. As explained above, amended Claim 1 recites, *inter alia*, that the housing has an aperture sized to closely surround spoolable linear material extending through the aperture, so that the linear material can be spooled onto and unspooled from the reel drum while the housing encloses the reel drum. Kownacki does not disclose or suggest this feature. Accordingly, Applicants respectfully request that the rejection of Claims 2, 7, 9, 10, 12, and 13 be withdrawn.

In view of the amendment to Claim 1, the Examiner’s original grounds for rejection are moot. It is noted, however, that Applicants do not acquiesce as to the original grounds for rejection.

Amended Claim 14 recites, *inter alia*, that the housing body is configured to enclose a rotatable reel drum *as linear material is spooled onto or unspooled from the drum*. As explained above, Kownacki does not disclose or suggest this feature. The cover portion 40 of the Kownacki storage device 20 must be opened in order to operate the reel 50. Accordingly, Applicants respectfully request that the rejection of Claim 14 be withdrawn.

Dependent Claims 15-20 recite additional features of particular advantage and utility. Moreover, these claims are allowable *a fortiori* for the substantially the same reasons presented above. Claims 15-20 depend from and therefore include all of the limitations of Claim 14, which distinguish patentably over Kownacki. Kownacki does not disclose or suggest all of the features of Claim 14, let alone the additional unique combinations of features recited by Claims 15-20. Accordingly, Applicants respectfully request the rejections of these claims also be withdrawn.

New Claims

New Claims 22-28 are submitted to be allowable. Claims 22-24 depend from Claim 21. Claims 25-28 include the limitation that the housing has an aperture sized to closely receive

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spoolable linear material extending through the aperture. As explained above, Kownacki does not disclose or suggest this feature.

CONCLUSION

In view of the foregoing amendments and remarks, Applicants respectfully submit that this application is in condition for allowance. If there is any further hindrance to allowance of the pending claims, the Examiner is invited to contact the undersigned.

Please charge any additional fees, including any fees for additional extension of time, or credit overpayment to Deposit Account No. 11-1410.

Respectfully submitted,

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Dated: 5/15/02

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VERSION WITH MARKINGS TO SHOW CHANGES MADE

In the Specification

Please replace the paragraph beginning on page 3, line 24 with the following substitute paragraph:

--Preferably, the hemispheres 22 and 24 are configured to rotate relative to one another about a central vertical axis 32. There is preferably provided an electrical or manual reciprocating mechanism which converts the rotation of the reel drum 42 into reciprocating back and forth rotation of the upper hemisphere 22 relative to the lower hemisphere 24, about the axis 32. This causes the guide aperture 30 to reciprocatingly translate across the rotating drum surface. Such a reciprocating mechanism is disclosed in [the] commonly owned U.S. Patent [Application Serial] No. 6,279,848 [09/714,363], entitled "Reel Having an Improved Reciprocating Mechanism," [filed on November 15, 2000,] which is hereby incorporated herein by reference in its entirety. Advantageously, the reciprocal motion of the guide aperture 30 causes the linear material to be spooled substantially uniformly onto the drum 42. The skilled artisan will readily appreciate that a number of other reciprocating mechanisms can be employed to distribute linear material across the drum as it winds or unwinds.--.

Please replace the paragraph beginning on page 4, line 6 with the following substitute paragraph:

--The upper hemisphere 22 comprises a rear portion 23 and a facial indicia element, such as a decorative access panel 34 in the illustrated embodiment. The panel 34 is preferably configured to be readily removed or opened to allow access to the interior of the housing 21. Removal of the panel 34 thus allows a user to access the reel assembly 41. Alternatively, the panel 34 can be hingedly attached to the rear portion 23 so that the panel 34 can be opened to allow access to the reel assembly. In the illustrated embodiment, the panel 34 has a lower edge 44, which forms a portion of the length of the lower edge of the upper hemisphere 22, and an upper edge 45, which in the illustrated embodiment extends in an arc from the lower edge generally upward to a point at or near the top of the upper hemisphere 22.--.

In the Claims

1. (Amended) A reel housing configured to enclose a rotatable reel drum, said housing having an access panel having an exterior surface, said access panel having a closed position in which said access panel does not permit a human hand to access an interior of said housing, and an open position in which said access panel permits a human hand to access said interior of said housing, said exterior surface of said access panel having facial indicia to resemble one of an animal, a human, a human-like character, and an alien creature, said housing having an aperture sized to closely surround spoolable linear material extending through said aperture, so that the linear material can be spooled onto and unspooled from the reel drum while said housing encloses the reel drum.

14. (Amended) A reel housing comprising a housing body configured to enclose a rotatable reel drum as linear material is spooled onto or unspooled from the drum, said housing body having a removable access panel having an exterior surface, wherein removal of said access panel allows access to an interior of said housing body, said exterior surface of said access panel being decorated with three dimensional facial indicia including one or more of (i) a pair of eyes, (ii) a nose or beak, and (iii) a mouth.

21. (Amended) A reel housing configured to enclose a rotatable reel drum, said housing comprising a housing body and a facial indicia element configured to be selectively attached and detached from said housing body, said facial indicia element having an exterior surface decorated with facial indicia to resemble one of an animal, a human, a human-like character, and an alien creature, the housing having an aperture sized to closely receive spoolable linear material extending through said aperture.